

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALBERT E. NORFOLK,

Defendant-Appellant.

UNPUBLISHED

October 21, 2003

No. 241560

Oakland Circuit Court

LC No. 2001-180152-FH

Before: Fitzgerald, P.J., and Zahra and Fort Hood, JJ.

FITZGERALD, P.J. (*concurring.*)

Although this Court has rejected a challenge to the admission of statements and a request for a new trial based on the failure to preserve an audio or visual recording of an interview, see *People v Fike*, 228 Mich App 178; 577 NW2d 903 (1998), I write separately to encourage the Legislature to promulgate a statute mandating the electronic recording of interrogation. Unless and until that time, I encourage law enforcement officers to make such recordings voluntarily for the reasons set forth in *Fike, supra* at 188-189 (Fitzgerald, P.J., concurring in part and dissenting in part).

/s/ E. Thomas Fitzgerald